SENATE JOURNAL
63RD LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 21, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Jent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/21/2013

Correctly printed: **SB 203**, **SB 233**, **SB 249**, **SB 278**, **SB 291**, **SB 294**, **SB 327**, **SB 344**, **SB 362**, **SB 363**, **SB 364**, **SB 365**, **HB 63**, **HB 77**, **HB 81**, **HB 199**, **HB 243**, **HB 261**.
Correctly engrossed: **SB 199**.
Transmitted to the House: **SB 107**, **SB 125**, **SB 212**, **SB 217**, **SB 245**, **HB 169**, **HB 193**.
Signed by the Secretary of the Senate at 3:25 p.m., February 20, 2013: **SB 90**.
Signed by the President at 8:00 a.m., February 21, 2013: **SB 90**.
Signed by the Speaker at 10:25 a.m., February 21, 2013: **SB 90**.
Delivered to the Governor for approval at 11:22 a.m., February 21, 2013: **SB 90**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Jackson, Vice Chair): 2/21/2013
SB 182, introduced bill, be amended as follows:

1. Page 4, line 15.
Following: "kind"
Insert: ", quality,"

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chair): 2/21/2013
SB 195, introduced bill, be amended as follows:

1. Page 1, line 20.
Strike: "an"
Following: "employer-issued" on line 20
Insert: "software, e-mail accounts, or"
Strike: "device"
Insert: "devices"

2. Page 1, line 21.
Following: line 21

Insert: "(3) Nothing in this section prohibits or restricts an employer from complying with a duty to screen employees or applicants prior to hiring or to monitor or retain employee communications that is established under federal law or by a self-regulatory organization, as defined in section 3(a)(26) of the Securities and Exchange Act of 1934, 15 U.S.C. 78c(a)(26)."
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 207, introduced bill, be amended as follows:

1. Title, page 1, line 15.
Strike: "IMMEDIATE EFFECTIVE"
Insert: "APPLICABILITY"

2. Page 9, line 6.
Strike: section 15 in its entirety
Insert: "NEW SECTION. **Section 15. Applicability.** [This act] applies to proceedings begun on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

SB 259, do pass. Report adopted.
SB 262, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/20/2013
SB 237, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "PURCHASES"
Insert: "BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"

2. Title, page 1, line 8.
Strike: "CERTAIN LAND ACQUISITIONS"
Insert: "FISHING ACCESS SITES"

3. Title, page 1, line 9.
Strike: "2-17-101," through "22-3-1003,"
Following: "23-1-102,"
Strike: remainder of line 9

4. Title, page 1, line 10.
Strike: "77-1-102," through "85-1-209,"

5. Page 1, line 15 through page 8, line 25.

Strike: section 1 through section 6 in their entirety
Renumber: subsequent sections

6. Page 9, line 24 through page 21, line 2.
Strike: section 8 through section 17 in their entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 288, introduced bill, be amended as follows:

1. Page 1, line 27.
Strike: "Montana-licensed and Montana-certified"
Insert: "qualified by training approved by the federal highway administration"

2. Page 12.
Following: line 28
Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If [this act] is passed and approved and Senate Bill No. 180 is passed and approved, then the amendments to 70-30-101 contained in [section 3 of this act] are void, and 70-30-101 must be amended as follows:

"70-30-101. ~~Eminent domain defined~~ Definitions. As used in this chapter, the following definitions apply:

(1) "Appraisal" means the written estimate of the fair market value of a property by a certified general appraiser in accordance with [section 1].

(2) "Comparable sales" means the value of a property interest that is similar to a property being appraised and that is sold by one party to another in an arm's-length transaction.

(3) ~~Eminent domain is~~ "Eminent domain" means the right of the state or its agents in charge of the public use to take private property for public use. This right may be exercised in the manner provided in this chapter.

(4) "Merchant transmission line" means a transmission facility that transmits electricity for which costs are not established and recovered by a Montana regulatory authority, the owner or operator of which charges rates or assumes market risks for transmitting electricity for third parties that meet current criteria for evaluating merchant transmission projects by the federal energy regulatory commission. A merchant transmission line consists of a single transmission line with specified termination points constructed and entered into service as a single unit.

(5) "State or its agents" means an entity able to take private property in accordance with this chapter for a public use enumerated in 70-30-102. An entity may otherwise be delegated the power of eminent domain in statute for a public use enumerated in 70-30-102.

(5) "Subject property" means the property interest being appraised.""

Insert: "COORDINATION SECTION. **Section 13. Coordination instruction.** If [this act] is passed and approved and Senate Bill No. 180 is passed and approved, then the amendments to 70-30-102 contained in [section 4 of this act] are void, and 70-30-102 must be amended as follows:

"70-30-102. Public uses enumerated. Subject to the provisions of this chapter, the right

of eminent domain may be exercised for the following public uses:

(1) all public uses authorized by the government of the United States;

(2) public buildings and grounds for the use of the state and all other public uses authorized by the legislature of the state;

(3) public buildings and grounds for the use of any county, city, town, or school district;

(4) canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the inhabitants of any county, city, or town;

(5) projects to raise the banks of streams, remove obstructions from streambanks, and widen, deepen, or straighten stream channels;

(6) water and water supply systems as provided in Title 7, chapter 13, part 44;

(7) roads, streets, alleys, controlled-access facilities, and other publicly owned buildings and facilities for the benefit of a county, city, or town or the inhabitants of a county, city, or town;

(8) acquisition of road-building material as provided in 7-14-2123;

(9) stock lanes as provided in 7-14-2621;

(10) parking areas as provided in 7-14-4501 and 7-14-4622;

(11) airport purposes as provided in 7-14-4801, 67-2-301, 67-7-210, and Title 67, chapters 10 and 11;

(12) urban renewal projects as provided in Title 7, chapter 15, parts 42 and 43, except that private property may be acquired for urban renewal through eminent domain only if the property is determined to be a blighted area, as defined in 7-15-4206(2)(a), (2)(h), (2)(k), or (2)(n), and may not be acquired for urban renewal through eminent domain if the purpose of the project is to increase government tax revenue;

(13) housing authority purposes as provided in Title 7, chapter 15, part 44;

(14) county recreational and cultural purposes as provided in 7-16-2105;

(15) city or town athletic fields and civic stadiums as provided in 7-16-4106;

(16) county cemetery purposes pursuant to 7-11-1021, cemetery association purposes as provided in 35-20-104, and state veterans' cemetery purposes as provided in 10-2-604;

(17) preservation of historical or archaeological sites as provided in 23-1-102 and 87-1-209(2);

(18) public assistance purposes as provided in 53-2-201;

(19) highway purposes as provided in 60-4-103 and 60-4-104;

(20) common carrier pipelines as provided in 69-13-104;

(21) water supply, water transportation, and water treatment systems as provided in 75-6-313;

(22) mitigation of the release or threatened release of a hazardous or deleterious substance as provided in 75-10-720;

(23) the acquisition of nonconforming outdoor advertising as provided in 75-15-123;

(24) screening for or the relocation or removal of junkyards, motor vehicle graveyards, motor vehicle wrecking facilities, garbage dumps, and sanitary landfills as provided in 75-15-223;

(25) water conservation and flood control projects as provided in 76-5-1108;

(26) acquisition of natural areas as provided in 76-12-108;

(27) acquisition of water rights for the natural flow of water as provided in 85-1-204;

(28) property and water rights necessary for waterworks as provided in 85-1-209 and 85-7-1904;

(29) conservancy district purposes as provided in 85-9-410;

(30) wharves, docks, piers, chutes, booms, ferries, bridges, private roads, plank and

turnpike roads, and railroads;

(31) canals, ditches, flumes, aqueducts, and pipes for:

(a) supplying mines, mills, and smelters for the reduction of ores;

(b) supplying farming neighborhoods with water and drainage;

(c) reclaiming lands; and

(d) floating logs and lumber on streams that are not navigable;

(32) sites for reservoirs necessary for collecting and storing water. However, reservoir sites must possess a public use demonstrable to the district court as the highest and best use of the land.

(33) roads, tunnels, and dumping places for working mines, mills, or smelters for the reduction of ores;

(34) outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines, mills, and smelters for the reduction of ores;

(35) an occupancy in common by the owners or the possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines, mills, or smelters for reduction of ores and sites for reservoirs necessary for collecting and storing water for the mines, mills, or smelters. However, the reservoir sites must possess a public use demonstrable to the district court as the highest and best use of the land.

(36) private roads leading from highways to residences or farms;

(37) telephone or electrical energy lines, except that:

(a) local government entities as defined in 2-7-501, municipal utilities, or competitive electricity suppliers may not use this chapter to acquire existing telephone or electrical energy lines and appurtenant facilities owned by a public utility or cooperative for the purpose of transmitting or distributing electricity or providing telecommunications services; and

(b) a merchant transmission line may not use this chapter to acquire property;

(38) telegraph lines;

(39) sewerage of any:

(a) county, city, or town or any subdivision of a county, city, or town, whether incorporated or unincorporated;

(b) settlement consisting of not less than 10 families; or

(c) public buildings belonging to the state or to any college or university;

(40) tramway lines;

(41) logging railways;

(42) temporary logging roads and banking grounds for the transportation of logs and timber products to public streams, lakes, mills, railroads, or highways for a time that the court or judge may determine. However, the grounds of state institutions may not be used for this purpose.

(43) underground reservoirs suitable for storage of natural gas;

(44) projects to mine and extract ores, metals, or minerals owned by the ~~condemnor~~ state or its agents located beneath or upon the surface of property where the title to the surface vests in others. However, the use of the surface of property for strip mining or open-pit mining of coal (i.e., any mining method or process in which the strata or overburden is removed or displaced in order to extract the coal) is not a public use, and eminent domain may not be exercised for this purpose.

(45) projects to restore and reclaim lands that were strip mined or underground mined for coal and not reclaimed in accordance with Title 82, chapter 4, part 2, and to abate or control adverse effects of strip or underground mining on those lands."

"
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 316, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "ELEMENTS"
Insert: "FEATURES AND IMPROVEMENTS"

2. Page 5, line 3.
Strike: "elements"
Insert: "features and improvements"

3. Page 8, line 10.
Strike: "or well isolation zone"

4. Page 8, line 13 and 14.
Strike: "A well" on line 13 through "extension." on line 14

And, as amended, do pass. Report adopted.

SB 332, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "SECTIONS"
Insert: "7-14-2124,"

2. Title, page 1, line 7.
Strike: "82-4-434,"

3. Page 1, line 11.
Following: line 10
Insert: "Section 1. Section 7-14-2124, MCA, is amended to read:

"7-14-2124. Disposition of surplus crushed rock and gravel. (1) ~~Any crushed~~ Crushed rock or gravel not directly used or needed by the county in the construction, repair, or maintenance of its roads may be sold by the board of county commissioners at not less than actual cost of production to only a:

(a) ~~any~~ person, firm, or corporation desiring to use it upon any public street or highway in the county; or

(b) landowner for personal use in an area within 5 miles of the opencut operation where the materials were mined.

(2) The proceeds of any ~~such~~ sale ~~shall~~ must be paid into the county road fund.""
Renumber: subsequent sections

4. Page 5, line 7.
Strike: "(4) and (5)"
Insert: "(5) and (6)"

5. Page 5, line 26.
Following: line 25
Insert: "(3) At the operator's request and with department approval, the operator may have up to 1 additional year to perform the reclamation required by subsection (2)(c), provided the operator does not apply to extend or continue the limited opencut operation pursuant to subsection (4)."
Renumber: subsequent subsections

6. Page 5, line 27.
Strike: "(3)"
Insert: "(4)"

7. Page 12, line 8 through page 14, line 8.
Strike: section 7 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SJR 15, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 2/20/2013
SB 223, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "REVISING THE ASSESSMENT REQUIREMENT;"

2. Title, page 1, line 8.
Following: "33-22-1502,"
Insert: "AND"
Following: "33-22-1504,"
Strike: "AND 33-22-1513,"

3. Page 6, line 13 through page 8, line 17.
Strike: section 4 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 292, do pass. Report adopted.
SB 296, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 2/20/2013
SB 242, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "MILITARY SERVICE"
Following: "AWARD"
Insert: "OF VALOROUS SERVICE"

2. Title, page 1, line 7.
Following: "MEDAL;"
Insert: "AUTHORIZING THE DEPARTMENT OF MILITARY AFFAIRS TO ACCEPT AND SPEND PRIVATE DONATIONS TO FUND THE AWARD;"

3. Page 1, line 14.
Strike: "Iraq and Afghanistan"
Insert: "countries around the world"

4. Page 1, line 26.
Strike: "military service"
Following: "award"
Insert: "of valorous service"

5. Page 1, line 27.
Strike: "military service"
Following: the first "award"
Insert: "of valorous service"

6. Page 1, line 28.
Following: "who were"
Insert: "legal"

7. Page 1, line 28 through line 29.
Strike: "at one time" on line 28 through "lives" on line 29
Insert: "or were stationed in or deployed from Montana"

8. Page 1, line 29.
Following: "after the"
Strike: "start" through "2003"
Insert: "declaration of World War II on December 8, 1941"

9. Page 1, line 29.
Following: "line of duty"
Insert: "or were classified as missing in action"

10. Page 2, line 5.

Strike: "military service"
Following: "award"
Insert: "of valorous service"

11. Page 2, line 6.
Strike: "military service"
Following: "award"
Insert: "of valorous service"

12. Page 2, line 8.
Strike: "family" through "recipients"
Insert: "a surviving family member, as designated by the award recipient in the defense enrollment eligibility reporting system or by law,"

13. Page 2, line 9.
Strike: "a"
Insert: "the surviving"
Following: "member"
Strike: "or designated representative"

14. Page 2, line 10.
Following: "mailed to the"
Insert: "surviving"

15. Page 2, line 10 through line 11.
Strike: "or designated" on line 10 through "representative" on line 11

16. Page 2, line 12.
Following: "(3)"
Insert: "(a)"

17. Page 2, line 13.
Following: "recipients"
Insert: ", including the appropriate surviving family member"
Following: "coordinate with"
Insert: "the surviving"

18. Page 2, following line 14.
Insert: "(b) Surviving family members or service organizations shall notify the department of military affairs if the surviving family member believes a deceased relative is eligible or if a service organization is aware of possible award recipients."

19. Page 2, following line 16.
Insert: "NEW SECTION. **Section 2. Authorization of other funding source.** The department of military affairs is authorized to accept and expend up to $20,000 in funds from

donations to purchase and mail medals to surviving family members."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 20, 2013

Senator Jeff Essmann, President
Montana Senate
Capitol Building
Helena, Montana 59620

Dear President Essmann:

On Wednesday, February 20, 2013, I signed the following Senate bills:

Senate Bill 32 - Facey
Senate Bill 87 - F. Moore

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/20/2013
SB 47, introduced by Keane

Senate amendments to House bill concurred in: 2/20/2013
HB 47, introduced by McClafferty

House bills passed and transmitted to the Senate for concurrence: 2/20/2013
HB 281, introduced by C. Smith
HB 345, introduced by C. Smith

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 366, introduced by Arthun, referred to State Administration.

SB 367, introduced by Malek, Coffin, Hollandsworth, Larsen, referred to Judiciary.
SB 368, introduced by Phillips, referred to State Administration.
SB 369, introduced by Facey, Hamlett, Ripley, Vincent, referred to Taxation.
SB 370, introduced by Essmann, referred to Public Health, Welfare and Safety.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 19, introduced by Larsen, Augare, Blewett, Driscoll, Facey, Jergeson, Kaufmann, Malek, Phillips, Sesso, Tropila, Van Dyk, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fielder in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 160 - Senator Tropila moved **SB 160** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 176 - Senator Peterson moved **SB 176** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: D. Brown, Priest.
Total 2

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 54 - Senator Facey moved **SB 54** do pass.

SB 54 - Senator Facey moved **SB 54**, second reading copy, be amended as follows:

1. Page 2.
Following: line 10
Insert: "(3) An employer shall file a roster of service with the clerk and recorder in the county in which the employer is located and update the roster of service monthly if necessary to report changes in the number of volunteers on the roster of service. The clerk and recorder shall file the original and replace it with updates whenever necessary."
Renumber: subsequent subsections

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 54 - Senator Facey moved **SB 54**, as amended, do pass. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jones, Lewis, Moore, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 54 - Senator Wittich moved **SB 54** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 181 - Senator Caferro moved **SB 181** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Driscoll, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Jent.

Total 1

SB 270 - Senator Buttrey moved **SB 270** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 224 - Senator Debby Barrett moved **SB 224** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 34 - Senator Caferro moved **SB 34** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: D. Brown, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 185 - Senator Sesso moved **SB 185** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Fielder moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 63 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 41

Nays: Brenden, D. Brown, Fielder, Rosendale, Taylor, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 203 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 291 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 81 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 34

Nays: Arntzen, Boulanger, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 249 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 77 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy.
Total 38

Nays: Barrett Debby, Boulanger, Fielder, Jackson, Rosendale, Sales, Sonju, Walker, Wanzenried, Wittich, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 233 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 278 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Fielder, Jackson.
Total 2

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 371, introduced by Thomas, referred to Highways and Transportation.

MOTIONS

Senator Murphy moved to change his vote on **SB 54** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, February 22, 2013, the fortieth legislative day. Motion carried.

Senate adjourned at 2:50 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate